ENVIRONMENTAL ASSESSMENT

Amendment to the New Hampshire Coastal Program

Expansion of the New Hampshire Coastal Management Program Boundary

U.S. Department of Commerce
National Oceanic and Atmospheric Administration
National Ocean Service
Office of Ocean and Coastal Resource Management
October 2003

DESIGNATION: Environmental Assessment

TITLE: Expansion of the New Hampshire Coastal Management Program Boundary

ABSTRACT: This environmental assessment is prepared pursuant to the National Environmental Policy Act (NEPA) U.S.C. 4321 et.seq. to assess the environmental impacts associated with the approval and implementation of an expanded coastal boundary for the New Hampshire Coastal Program (NHCP) submitted to the National Oceanic and Atmospheric Administration (NOAA) by the State of New Hampshire. Pursuant to Section 306(g) of the Coastal Zone Management Act of 1972, as amended (CZMA) and OCRM regulations (15 CFR part 923, subpart H) OCRM is required to approve any amendment, modification, or other change to a federally approved Coastal Management Program. This includes changes in a state's coastal boundary (15 C.F.R. part 923, subpart D).

For purposes of this environmental assessment, the proposed action is approval of the proposed expanded NHCP coastal boundary to include the full geographic jurisdiction of the State's 17 coastal municipalities. New Hampshire's boundary revision will expand the State's coastal management boundary from its narrower delineation of the boundary by a two-tier geographical system related to distance from coastal water body features, to encompassing the entire jurisdiction of coastal municipalities. The practical effect will be to increase the State's ability to review state and federal activities in a larger area of the coast for their consistency with the State's federally-approved coastal policies, and to provide CZMA funds for additional activities in the expanded coastal area.

NOAA finds that the NHCP has met the requirements for submitting an amendment to OCRM and proposes to approve the program change. The approval of the expanded coastal boundary will not result in any significant environmental impacts different from those analyzed in the attached environmental assessment.

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SUMMARY

The proposed Federal action is the Office of Ocean and Coastal Resource Management (OCRM) approval of the incorporation of the State's revised coastal boundary into the New Hampshire Coastal Program (NHCP) pursuant to section 306(g) of the Coastal Zone Management Act of 1972, as amended (CZMA) and OCRM regulations on amendments to approved state coastal zone management programs. 15 CFR part 923, subpart H. Approval of the amendment would allow Federal funding for implementation of the NHCP and the State's reliance upon the enforceable policies throughout the amended coastal zone for Federal consistency under section 307 of the CZMA, 16 USC §1465.

The National Environmental Policy Act of 1969, as amended (NEPA), 42 USC 4321 et seq., requires Federal agencies to assess the environmental impacts of proposed major actions significantly affecting the quality of the human environment. Federal approval of incorporation of the State's revised coastal boundary was considered a major Federal action which required NEPA review. When the Secretary of Commerce approved the New Hampshire program in 1982 (Ocean and Harbor Segment) and 1988 (Great Bay Area), draft and final environmental impact statements (DEIS and FEIS) were prepared to satisfy the requirements of NEPA. This Environmental Assessment (EA) relies in part on those documents for a broader discussion of the affected environment, alternatives considered, and environmental consequences of the proposed Federal action. It supplements FEIS information as necessary to describe the changes which have been proposed by the State of New Hampshire. The EA addresses issues relevant to the boundary revision of the amendment and related implementation of the NHCP in the expanded area.

New Hampshire's boundary revision will change the State's coastal management boundary from delineating the boundary by a two-tier geographical system related to distance from coastal water bodies, to encompassing the entire jurisdiction of coastal municipalities. Currently, the first tier occurs along the Atlantic Ocean and up the Piscataqua River to a location on Dover Point opposite the outlet of Stacey Creek on the Maine Shore, and in most areas of the Great Bay. The coastal zone currently extends 1,000 feet inland from mean high water or to the limit of the Wetlands Bureau's jurisdiction, 100 feet from the highest observable tide line that borders on tidal waters, whichever one is further inland. The boundary around Great and Little Bays extends inland to identifiable features, roads, or railroad tracks, which are in most cases more than 1,000 feet inland and effectively separate the shoreland from inland areas. The second tier includes major tidal rivers to the limit of tidal action, and adjacent areas inland to the limit of the Wetlands Bureau jurisdiction, which extends to 100 feet from the highest observable tide line that borders on tidal waters. Under the revised coastal management boundary, New Hampshire will move the inland boundary coterminous with the inland boundary of the 17 coastal municipalities, including Dover, Durham, Exeter, Greenland, Hampton, Hampton Falls, Madbury, New Castle, Newfields, Newington, Newmarket, North Hampton, Portsmouth Rollinsford, Rye, Seabrook, and Stratham (Figure 1). The seaward boundary of the NHCP will remain the same.

The boundary revision was found to be an amendment to the NHCP because of the scope

of the inland boundary extension and the large amount of additional area that would now be subject to NHCP policies. Neither the State nor OCRM received any substantive or negative comments that required changes to the proposed boundary change. All 17 coastal municipalities were supportive of revising the boundary to expand coverage of the NHCP's authority and the associated benefits to the communities.

The Preliminary Findings of Approvability are included as Appendix 1 for the boundary extension. OCRM has considered all comments received by the State during the public hearing and will consider comments received on this EA.

The proposed conclusion of this EA is that the approval of the inclusion of the boundary revision as an amendment to the New Hampshire Coastal Program is not a major federal action having a significant impact on the human environment. Therefore, a Finding of No Significant Impact (FONSI) may be appropriate.

Environmental Assessment

New Hampshire Coastal Program

Expansion of the New Hampshire Coastal Management Program Boundary

Page

I. Introduction 1

II. Purpose 1

III. Need 2

IV. Alternatives 3

A. Approve NHCP Inland Boundary Expansion [Preferred Alternative] 4
B. Deny Approval of the NHCP Inland Boundary Expansion [No Action] 5

V. Affected Environment 5

A. Natural Environment 5
B. Human Environment 8

VI. Environmental Impacts 10

A. Economic Impacts 11
a. Coastal Resources 11
b. Federal Funding 12
c. Regulation 13

B. Regulatory Impacts 14
a. Federal Consistency 14
b. Laws and Regulations 15
c. State and Federal Agencies Operating in the New Area 15

C. Resource Impact 16

VII. Agencies and People Consulted 17

VIII. Proposed Finding of No Significant Impact (FONSI) 17

IX. Proposed FONSI Statement 21

X. References 22

XI. Appendices.....26

1. Preliminary Findings of Approvability under the CZMA of the NHCMP
2. NHCMP Policies
3. NH 17 Municipalities Threatened and Endangered Species
4. OSP Proposed Amendment of the Boundary of the NHCP
5. Letter Regarding the Proposed Boundary Change and List of 17 Municipality Recipients
6. Letter Regarding the Proposed Boundary Change and List of 37 State, Federal and Congressional Office Recipients
7. Letter Notifying Agencies and General Public of the Public Hearing on the Proposed Revised Coastal Boundary and List of Recipients
8. Public Notice of the NHCP Coastal Program Amendment–Boundary Change
9. Attendance Roster for the Public Hearing on the Proposed Revised Coastal Boundary
10. Summary of Comments by the Public and Responses to Comments by OSP Staff
11. List of Preparers
12. Distribution List of Agencies, Organizations, etc. receiving EA

LIST OF ACRONYMS

APC	Areas of Particular Concern
APR	Areas of Restoration
CZMA	Coastal Zone Management Act
DEIS	Draft Environmental Impact Statement
DES	Department of Environmental Services
EA	Environmental Assessment
EPA	U.S. Environmental Protection Agency
FEIS	Final Environmental Impact Statement
FONSI	Finding of No Significant Impact
NAO	National Oceanic and Atmospheric Administration Administrative Order
NEPA	National Environmental Policy Act
NHCMP	New Hampshire Coastal Management Program
NHCP	New Hampshire Coastal Program
NHEP	New Hampshire Estuaries Project
NOAA	National Oceanic and Atmospheric Administration
OCRM	Office of Ocean and Coastal Resource Management (federal)
OSP	Office of State Planning (state)

I. INTRODUCTION

Recognizing the need for coordinated effort to manage the nation's coastal resources, Congress passed the Federal CZMA in 1972, 16 USC §§1451 - 1465. The CZMA established a voluntary program for the management, beneficial use, protection, and development of the land and water resources of the nation's coastal areas. The Federal program was designed to encourage the states to exercise more fully their authorities and responsibilities related to coastal resources.

The CZMA provides guidelines for the development of state coastal management programs. The implementing Federal regulations at 15 CFR part 923, subparts B-G outline the requirements for state program development and approval. Subpart H of these regulations include the guidelines for changing an approved state program. Changes to an approved program may be processed as either a matter of routine program change or as an amendment (15 CFR part 923, subpart H).

The New Hampshire Coastal Program (NHCP) was approved by the Secretary of Commerce in two segments. The ocean and harbor segment was approved in April 1982, which covered New Hampshire's Atlantic shoreline, Portsmouth Harbor, and the Hampton estuary. The Program was amended in 1988 to cover the entire tidal extent of New Hampshire's waters; notably the Great Bay and its tributaries. The NHCP is now headquartered in Portsmouth. The NHCP is a networked program, with the New Hampshire Office of State Planning (OSP) as the lead agency. Most policy, planning, consistency, and administration is done by NHCP staff. Most permitting and enforcement is handled by the New Hampshire Department of Environmental Services (DES). OSP has overall responsibility for the implementation of the Coastal Program. Designated by the Governor as the lead agency, the OSP receives and distributes coastal program funds and coordinates all local, state and federal involvement in the program. OSP also serves as the key contact for federal agencies on coastal issues and conducts federal consistency reviews.

The NHCP operates through a number of existing state authorities and programs, including the Comprehensive Shoreland Protection Act and the Groundwater Protection Act, along with other state rules and regulations that address river management, fill and dredge in wetlands, sewage and waste disposal, fish and shellfish, aquaculture, and dredge management. The purpose of the NHCP is to improve the administration of the existing state laws in order to provide for the optimal use of New Hampshire's coastal resources.

II. PURPOSE

In this Environmental Assessment we consider the expansion of the NHCP's jurisdictional inland boundary from its current narrow delineation along the state's coastal waterbodies to include implementation throughout entire coastal municipalities. While the current coastal management boundary is based primarily on distance from coastal waterbodies,

the new boundary will be consistent with geopolitical jurisdiction of the municipalities. The purpose of the amended boundary is to provide the NHCP with additional opportunities to identify areas for the protection of natural, historic, and cultural resources. If approved, the program amendment will also require federally undertaken, permitted or funded activities within the new boundary to be consistent with the NHCP's enforceable policies (Appendix 2). Finally, under an expanded boundary, the State will be able to make Federal funds available for projects focused on coastal protection, education, and management throughout the full jurisdiction of the 17 coastal municipalities, pursuant to the provisions of the CZMA and its regulations.

III. **NEED**

During program development amid concerns about creating new comprehensive coastal legislation, New Hampshire decided to develop its program in two phases, based on a series of existing state laws and policies that provide for effective state management of New Hampshire's coastal zone. The first phase of the NHCP, the Ocean and Harbor Segment, received Federal approval in June of 1982. The original boundary encompassed an area of land along the Atlantic coastline that addressed direct and significant impacts to marine waters. It reflected the conventional wisdom of the day that "the closer a use is to the coast, the greater the impact on coastal waters."

In 1988, the second phase of the NHCP incorporated approximately 131 miles of tidal shoreline in and around Great Bay, Little Bay, and the tidal rivers. This addition was also intended to preserve the resources and rural quality of Great Bay, Little Bay, and the tidal rivers, including those potential areas that had direct and significant impacts upon coastal waters. With the incorporation of the second segment, the NHCP boundary encompassed those areas that, consistent with the CZMA approval criteria for inland boundaries found at 15 CFR §923.31(a)(1-8), were necessary to encompass those important coastal resources and provide for control of direct and significant impacts to coastal waters.

The NHCP did not take indirect impacts into account in 1988 when defining the inland boundary. However, over the past decade it has become clear that multiple activities not immediately adjacent to shorelines can have significant direct and indirect effects on coastal resources. In 2000, the U.S. Environmental Protection Agency (EPA) approved the New Hampshire Estuaries Project, and in 2001, NOAA and EPA approved the New Hampshire Coastal Nonpoint Pollution Control Program. Both of these programs are based on existing state and federal laws controlling land use impacts from indirect, as well as direct sources on tidal and coastal waters throughout the state's watershed. Impacts from activities taking place throughout the state's 17 coastal municipalities such as land use changes, stormwater runoff, erosion from construction sites, disposal of solid waste and septage, subsurface disposal systems, and road salting are sources of coastal pollution acknowledged by the NHCP's cooperating state agencies.

The NHCP needs to expand its boundary to be able to better complement the programs

mentioned above, and more broadly address indirect impacts on coastal waters that have proven to be significant. An expanded boundary will provide a more consistent approach for state and Federal activities in the coastal area impacting coastal resources, and expand funding opportunities to include more activities that can positively influence coastal resources. The State also needs to expand its boundary to allow use of its CZMA funds to support enhanced administration, monitoring, and enforcement of the Coastal Nonpoint Pollution Control Program authorities in the expanded area. Funding will be available to support assistance to local governments to enhance local land use planning, and to help management programs and activities that advance the NHCP's goals and objectives consistent with CZMA requirements. Finally, expanding the boundary area of the NHCP would allow program authorities to more easily raise objections to federal or federally permitted activities that are not consistent with state coastal program requirements.

IV. **ALTERNATIVES**

The proposed Federal action is NOAA's approval of the incorporation of the NHCP boundary expansion into the NHCP pursuant to NOAA regulations on Amendments to Approved Management Programs (15 CFR part 923, subpart H). An amendment is defined as a substantial change in one or more of the five program areas: 1) uses subject to management; 2) special management areas; 3) boundaries; 4) authorities and organization; and 5) coordination, public involvement and national interest. In determining whether the expansion of the inland coastal boundary to incorporate the entirety of all 17 coastal municipalities was an amendment to the NHCP or a routine program change, OCRM found that the proposed revision was a substantial change to the boundary approved in the original 1982 FEIS, and the 1988 revised boundary. When an amendment is submitted, OCRM must review the request to determine if the federally-approved management program, as changed by the amendment request, will still constitute an approvable program. This requires a preliminary determination that the NHCP, as amended by the boundary expansion, will still meet the substantive requirements of the CZMA in the categories listed above (15 CFR part 923, subpart H). These preliminary Findings of Approvability have been made and are included as Appendix 1. These Findings provide a detailed analysis of approvability of this amendment. Accordingly, reviewers should note that except during the discussion of alternatives, this EA does not focus on approvability issues.

There are two alternatives available to OCRM. OCRM can approve the NHCP boundary expansion amendment submitted on March 7, 2003. Alternatively, OCRM can find that expanding the NHCP inland coastal boundary does not meet the requirements of the CZMA, and return the amendment request to the State for further changes. The two available alternatives (to approve or to disapprove) are discussed below based on the merits of the specific boundary expansion proposal identified during the review process. Comments from the public were the primary influence during consideration of the alternatives.

A. Alternative 1: Approve the NHCP Inland Boundary Expansion Amendment [Preferred

Altermative]

In reviewing a state's inland coastal boundaries, OCRM must ensure that the state complies with minimum standards (i.e., the inclusion of transitional and intertidal areas, salt marshes and saltwater wetlands, and any shorelands [fastlands] which are being used or could be used by various land and water activities which have or might have direct and significant impacts on marine coastal waters. Beyond that, OCRM regulations (15 CRF 923.21 [b][1] and [2]) allow states a certain degree of flexibility in defining inland coastal boundaries to allow for a range of environmental and administrative factors which occur among the coastal states. In Florida, for instance, the entire state is considered the coastal zone. In Oregon, the coastal zone includes the coastal watersheds to the crest of the coastal mountains and three major river basins which extend inland as much as 50 miles from the mouths of the bays.

Although the impact of shoreland uses on water quality is a basic coastal management concern, it is difficult to determine how far upriver a coastal boundary should extend beyond the influence of saline waters. Variations in the inland extent of the coastal zone are appropriate so long as wetlands, beaches, transitional areas and other shorelands are included and subject to management. OCRM's regulations state that:

> (B) The inland boundary of a State's coastal zone may include:
> (1) Watersheds – A state may determine some uses within entire watersheds which have direct and significant impact on coastal waters or are likely to be affected or vulnerable to sea level rise. In such cases it may be appropriate to define the coastal zone as including these watersheds. (15 CFR 923.31 (b)1)

Under this alternative, OCRM would approve the addition of the entire 17 coastal municipalities to New Hampshire's Coastal Management Program. OCRM has found that as a preliminary matter the extension of the inland NHCP boundary is consistent with the CZMA (Appendix 1). The environmental impacts associated with approving the extended boundary as described in Part VI of this EA will be moderately beneficial (above what may be provided under existing state authorities) in that the extended boundary should: 1) afford a more comprehensive management review of activities affecting the additional lands and waters included in the boundary; 2) provide funds for coastal management planning activities in areas adjacent to coastal waters; and, 3) ensure Federal agency activity consistency with the State's coastal policies in a larger area of the State.

B. Alternative 2: Deny Approval of the NHCP Inland Boundary Expansion Amendment (No Action)

The NHCP request for an expansion of their inland boundary was processed as an

amendment to the NHCP because it was considered a substantial change to the approved boundary. The application of NHCP policies to such an extensive area brought into question whether the State would still meet the requirements of the CZMA. Several concerns were raised by the public during the program change request process, including: the increased application of NHCP regulations and associated cost to development; opportunities for public involvement in projects; application of federal consistency; designation of new areas of preservation and restoration; funding for habitat restoration in the expanded coastal area; additional historic resources; coordinating water resource management; and local master plan compliance requirements.

Under this alternative, OCRM would deny approval of the New Hampshire request to incorporate the revised coastal program boundary into the NHCP. Essentially, this would be equivalent to the No Action alternative. While the NHCP could be implemented as a state program unencumbered by the Federal requirements of the CZMA in the revised coastal area, the advantages of participation in the Federal program would not be available to the state, including a more comprehensive and effective program, Federal funding, and Federal consistency.

V. AFFECTED ENVIRONMENT

The proposed NHCP boundary will incorporate the entire municipal jurisdiction of the17 New Hampshire towns with tidal shoreline: Dover, Durham, Exeter, Greenland, Hampton, Hampton Falls, Madbury, New Castle, Newfields, Newington, Newmarket, North Hampton, Portsmouth, Rollinsford, Rye, Seabrook, and Stratham. These 17 towns (plus the towns of Rochester and Somersworth) were identified as "Zone A" in a report on the state of New Hampshire's estuaries, completed in November 2000. Most of these towns are located in Rockingham County, the fastest growing county in New Hampshire. According to the report, "many threats to the environmental quality of NH's estuaries are the direct result of human activities, including development of land for residential, commercial, industrial and other uses." (Chase and Merrill).

A. Natural Environment

New Hampshire has 18 miles of open-ocean coastline on the Gulf of Maine, and over 230 miles of sensitive tidal shoreline. The State's estuaries include a collection of bays, tidal rivers, and salt marsh systems. The two largest, most distinct estuaries in the NHCP are Great Bay and the Hampton-Seabrook Estuary. The Great Bay Estuary covers over 17 square miles, and includes 150 miles of tidal shoreline. It is located more than five miles inland from the ocean, up the Piscataqua River. Due to this distance inland, Great Bay's tidal exchange is slow, and can require up to 18 days for freshwater entering the head of the estuary to move to the ocean. Tidal marshes of the Great Bay Estuary total 2,230 acres, with the most extensive salt marshes found along the lower Piscataqua River, the Squamscott River, and Great Bay itself. The Hampton-Seabrook Estuary is 0.75 square miles of water at high tide. It is characterized by extensive salt

marshes, and is separated from the ocean by a series of barrier beaches. With approximately eight square miles of contiguous salt marsh, the Hampton-Seabrook estuary is the largest salt marsh in the State. Other estuaries in the NHCP include Little Bay, Little Harbor, and Rye Harbor. Tributaries include the following rivers: Salmon Falls, Cocheco, Oyster, Bellamy, Lamprey, Exeter/Squamscott, and Winnicut.

Nearly all salt marshes in New Hampshire were subjected to ditching and draining into the first half of the 20th century as a means to control mosquitoes or increase harvest of salt marsh hay. Today, salt marsh acreage is half of what it once was, with most of the lost acreage filled for residential and industrial development and road or rail construction. Total salt marsh acreage has remained the same for the last 13 years. However, past development and its associated restricted water circulation and tidal flow has resulted in degraded salt marsh function, including the growth of invasive species, such as purple loosestrife and *Phragmities australis* or common reed. Recent attempts at habitat restoration projects in salt marshes have successfully re-established tidal flow and freshwater exchange. By 1999, the collaborative efforts of many state agencies and landowners had restored or enhanced over 430 acres of salt marsh in New Hampshire. The major causes of salt marsh degradation today are restriction of tidal flow to the marsh and increased freshwater runoff into the marsh, which is associated with development.

New Hampshire's coastal area contains two important types of forested wetlands: red maple swamp communities and the less common Atlantic white cedar swamps. Red maple swamps are the most abundant freshwater wetland type in New Hampshire and throughout the Northeast, and are home to such rare species as the marbled salamander. Red maples are also are the principal forest type used by breeding wood ducks in the Northeast. Songbirds, such as the Canada warbler and veery, and birds of prey, such as the red-shouldered hawk and barred owl frequent red maple swamps. Nearly 50 species of mammals live in red maple swamps, including black bears, white-tailed deer, moose, and bats. Atlantic white cedar swamps (also referred to as cedar bogs) are far less common. There are 30 documented Atlantic white cedar swamps in New Hampshire in 20 towns, concentrated primarily in three major areas: the Rye-Portsmouth area, the Newton-Kingston area; and several inland areas from Sutton to Antrim. Unique to Atlantic white cedar swamps is the larvae of one butterfly, Hessel's Hairstreak (Mitoura hesseli), which feeds exclusively on Atlantic white cedar. Only one has been documented in New Hampshire to date. Also, the few currently existing populations of the state endangered Banded Bog Skimmer dragonfly are sometimes found in cedar swamp habitat. Finally, this community is home to the rare *Carabis goryi* beetle, which is only found in the Lower Exeter River basin. (Technical Bulletin 15)

The 17 municipalities in the extended NHCP boundary area contain a rich diversity of habitats that support a large variety of plants and animals, including both state and federally listed rare and endangered species (Appendix 3). The region is characterized as a transition zone between the deciduous forest to the south and the coniferous forest to the north. Common tree species within the area include white pine, red oak, red pine, hemlock, red maple, quaking aspen,

and shagbark hickory. Uncommon southern species include black gum tree and sweet pepper bush. Botanists have identified 67 rare plant species within the Great Bay and coastal watersheds, a dozen associated with estuarine environments. These estuarine habitats include salt marsh, eelgrass beds, algal beds, rocky beds, and subtidal bottom habitats with substrate ranging from mud to cobble and boulders. (Chase and Merrill). Rare plant species include robust knotweed, hairy brome grass, lined bulrush, salt marsh gerardia, and dwarf glasswort.

The number of acres of wetlands under the revised NHCP boundary will expand from 6,502 acres to 26,262 acres, based on the figures from National Wetlands Inventory at 1:24,000 scale. The NHCP boundary would also now add another 450.29 miles of freshwater streams (perennial and intermittent), up from 22.81 miles prior to the boundary expansion, for a total of 473.1 miles of freshwater stream. Population pressures in the southeastern portion of New Hampshire are collectively placing more and more stress on the region's river resources, particularly in the area of municipal withdrawals and waste water discharges.

The estuaries are nursery areas for commercially important fish and shellfish including lobsters, winter flounder, cod, pollock, eels, and hake. New Hampshire's estuarine waters support 95 species of phytoplankton, 169 species of seaweeds, and numerous beds of eelgrass. Eelgrass is particularly important as a filter for suspended sediment and dissolved nutrients, and for its roles in the life cycles of scallops, crabs, finfish, and waterfowl. The estuaries also sustain runs of shad, alewives, and lampreys, which travel from the ocean through the estuaries to reproduce in the freshwater tributaries. The estuaries host runs of smelt to their spawning grounds at the heads-of-tide. Two-thirds of New Hampshire's commercially harvested fish rely on the estuaries at some point in their life cycle, including herring and smelt. The small bivalve *Gemma gemma* is the most abundant mollusk in the Great Bay estuarine system, and large oyster beds occur within the estuary, which are harvested recreationally. Oysters in the Great Bay have declined in recent years. From 1991 to 1996 oyster density reductions in three beds of recreational importance ranged from 42 percent to 69 percent. In particular, oyster beds in the Oyster and Bellamy rivers have declined in acreage. The total harvest of oysters had declined from 5,000 bushels to 1,000 bushels of oysters between 1991 and 1997, due largely to predation, limited substrate suitable for larval attachment, disease, and a variety of management issues.

New Hampshire's estuaries and associated uplands also provide significant breeding, feeding, and overwintering habitat for many species of birds, from bald eagles and nesting osprey to marsh wrens. Thirteen state-listed threatened or endangered birds occur in the watershed. In 2000, the Audubon Society of New Hampshire and the New Hampshire Fish and Game Department charted their second best breeding season for Ospreys in New Hampshire on record, with a total of 40 young Ospreys fledged from 24 active nests. Productive nests were distributed across the state, with four around Great Bay. Common terns have nested on Nannie Island and the Footman Islands, as well as on several islands in Little Bay. The Wilcox Point shoreline is critical to the wintering of the American bald eagle. It supports the largest winter population of bald eagles in New England and is one of the best documented wintering sites for these birds in the region. The State's coastal watershed also provides important stopover habitat

for migratory birds and bats using the Atlantic flyway. The Great Bay and Hampton-Seabrook estuaries provide important migration and wintering habitat for 20 species of waterfowl, 27 species of shorebirds, and 13 species of wading birds, including the following endangered species: Northern harriers, Sedge wrens, and Henslow's sparrows. The Seacoast is New Hampshire's primary waterfowl wintering area, with Great Bay supporting about 75 percent of the overwintering population.

B. Human Environment

Between 1980 and 1999, the population in the 17 New Hampshire coastal towns increased by 39 percent. The towns with the largest population increase (by percentage) were Stratham, Newmarket, and Derry. The only town that experienced a decline in population was Portsmouth, which went from 26,254 residents to 23,112. The estimated population growth for Rockingham and Strafford Counties is another 17 percent between 1998 and 2005.

Increased population growth has resulted in commercial, industrial, and residential development. New Hampshire's labor, employment, production, and construction statistics demonstrate the type of development New Hampshire has been experiencing. Beginning in 1992 New Hampshire's unemployment rate was consistently lower than both New England and the nation. New Hampshire's 2000 average annual unemployment rate of 2.8 percent ranked seventh lowest in the nation. Job growth was experienced in services (40 percent of the growth); trade, and construction. All nonfarm industries experienced growth except manufacturing, which slipped for the second year. New Hampshire, like elsewhere in the nation, is experiencing a loss of jobs in the high tech industry. In 2000, the most jobs lost in high tech were related to computer and office equipment manufacturing. Food service and drinking establishments had the fastest growth, 6.0 percent from 2000 to 2001. General merchandise stores was the only retail sales group to post an over-the-year loss, 0.9 percent. However, Hillsborough and Rockingham counties combined, had over 55 percent of New Hampshire's total retail sales. A summary of the New Hampshire Economy for Fall 2002 found that while New Hampshire was facing economic uncertainty and a weakened economy along with New England and the United States at large, when the economy does get back on track, many analysts expect New Hampshire will lead New England into the next expansion (New Hampshire Employment Security Economic and Labor Market Information Bureau, 2002).

New Hampshire's residential rate has continued its steady climb since 1995, and the construction industry in New Hampshire remained hot in 2000 and into 2001. Workers need available housing, and a shortage of housing threatens the ability to attract skilled workers. In 2000, New Hampshire's residential construction index[1] averaged 391.3 as compared with all the

[1]The index reports the dollar value of contracts indexed to 1980, or base year 1980 equal to 100. It is a measure of growth over time. (Source: Vital Signs: Economic and Social Indicators, 2000, pp. 34-37)

New England index average of 284.6. The national index during that year was 263.1. That figure had climbed for New Hampshire from 189.6 in 1995. The number of housing permits authorized in New Hampshire was up 5.6 percent in 2000. This continued a string of increases going back to the early 1990s. In New England, only New Hampshire and Maine issued more permits in 2000 than in 1999. Nonresidential construction also increased. Since 1995, the index has increased by about 100 points every two years. A 53-point gain in 2000 was the largest since a 57-point gain in 1996 over 1997. During the first 10 months of 2001, the index averaged 598. Based on the latest data available (October 2001), New Hampshire's total construction index was 507.6, the highest in the region. New Hampshire led or fell just short of leading every category in New England. (Vital Signs, 2001)

While changes in total population and housing development do not provide a direct correlation between growth and the existence of sprawl, these trends clearly demonstrate the regional variations in the way New Hampshire has grown over the last 30 years. New Hampshire's population increased from approximately 738,000 in 1970 to 1.1 million in 1998. This additional 447,000 people represent an increase of approximately 60 percent. The growth was not evenly distributed throughout the state. Hillsborough and Rockingham counties consistently stand out in these years as centers of growth. These two southern tier counties, combined with adjoining Merrimack and Strafford counties, have absorbed the largest amount of total population growth over the last 30 years, marking the southeastern corner of the state as a growth center. The largest gains in total housing units also occurred in Hillsborough and Rockingham Counties, following the population trends experienced over the last 30 years. (NHOSP, 2000)

In the municipalities that will be added to the NHCP boundary, an estimated 32 percent of the land has already been developed. Approximately 13 percent is no longer available for development due to permanent conservation and wetland restrictions. The remaining 55 percent of the total land area within the new coastal boundary could potentially be available for development. In New Hampshire's tidal shorelands (defined as land extending 300 feet from the water's edge), 35 percent of the shoreland is already developed. While only 16 percent is permanently protected, an additional 21 percent is likely to remain undeveloped because of natural constraints. Approximately 28 percent of the remaining tidal shorelands are open and developable.

Development is the leading cause of habitat loss and alteration within New Hampshire's coastal watershed, leading to a significant net decrease in habitats capable of supporting wildlife and natural communities. (NHEP Management Plan). The New Hampshire Comparative Risk Project found that the most pronounced overall habitat loss in New Hampshire has occurred within the southeastern part of the state, i.e., the area that will be covered under the expanded NHCP boundary under the proposed alternative. The following examples support this statement:

- Annual losses of forest land to development over the last 30 years have been estimated at about 1000 and 3000 acres in Strafford and Rockingham counties respectively, totalling

approximately 15 percent.

- Agricultural land in Strafford and Rockingham counties combined has declined from 472,000 acres in 1850 to 42,000 acres in 1996.

- Human-caused tidal restrictions have altered more than 1,300 acres of salt marsh; 20 percent of the total remaining salt marsh area.

- Of all New Hampshire freshwater wetlands permits issued in 1995, 50 percent of the affected acres were located in Strafford and Rockingham Counties. (NHEP Management Plan, 2000).

A 1997 Conservation Plan for the Great Bay Region developed by The Nature Conservancy (Stevens and Anderson, 1997) found that development is the single largest threat to the Great Bay area environment due to impacts such as fragmentation, habitat displacement and degradation, invasion of non-native species, alterations of flood regimes, and impacts to water quantity and quality parameters including pollution, eutrophication, and residential and industrial water use.

VI. **ENVIRONMENTAL IMPACTS**

The environmental impacts associated with NHCP implementation are described in the NHCP FEIS (pp V-1 - V-13). Generally, implementation impacts of the NHCP protect important coastal resources through better management decisions which are guided by the requirements of the approved coastal policies. The NHCP was designed to achieve a balance between resource development and preservation activities in the coastal area by encouraging the most environmentally appropriate uses of coastal resources and by minimizing or avoiding many of the adverse environmental consequences of coastal development. Meeting environmental mitigation requirements often required by the policies, however, will have some economic costs to project applicants in order to ensure that there will be minimal adverse environmental impacts. In order to determine if implementation of the NHCP in the expanded boundary area will cause substantially greater beneficial or adverse environmental impacts than analyzed under the NHCP FEIS, a review of the relevant impacts analyzed in the NHCP is provided, and expanded upon below.

A. Economic Impacts:

a. Coastal Resources

Alternative 1. Expansion of the state's coastal boundary and consequently the NHCP policies over a larger portion of the State's coastal watershed area will have a positive economic impact on the State's coastal resources. Coastal management requires a balance between conservation of irreplaceable natural resources; the needs for coastal recreation, public access,

waterfront redevelopment, water dependent industry and commerce; and the demand for jobs, housing and shopping which an expanding population and healthy economy put on the coastal area. As stated in the previous description of the affected environment, the area being considered for inclusion under the new coastal boundary is experiencing a significant increase in growth in almost all aspects of its economy, including jobs, housing, construction, and industry. While there are currently some signs of softening, long term economic predictions for the area are strong. Coordinated application of the State's coastal policies in the coastal watershed area will protect coastal resources, which in turn will enhance their economic value. Potential economic benefits associated with expanded coastal management include: improved recreational access; increased property values and land transactions; increased opportunities for coastal industries and commerce (particularly commercial fishing and marine commerce); and reduced expenditures for construction and maintenance of public investments (particularly flood and erosion control measures, disaster relief expenditures and public utilities).

Adverse economic impacts associated with coastal resources due to expansion of the coastal program potentially include the overuse of new public access areas. Designation of these coastal areas may result in their degradation and increase the public cost to maintain them, including providing support facilities. In addition, areas that are newly designated as areas of preservation or areas of significant concern could lose some of their value if they had been previously identified as marketable. Additionally, the impacts associated with development that is shunted away from the newly designated coastal area due to better protection and management activities could be experience by natural resources in other areas outside New Hampshire's coastal area if the growth anticipated for the 17 coastal municipalities is redirected and absorbed by other areas of the State.

Failure to provide a balance between economic growth and natural resource protection could result in the economic costs associated with degraded natural resources, including declining water quality, decreased, or loss of public access, destroyed wetlands, the disappearance of local water-dependent businesses, and declining shellfish populations due to increased nonpoint source pollution.

Alternative 2. If OCRM does not approve the NHCP program change request, the State will still have the ability to apply its coastal policies throughout the new boundary area, however there will be two significant differences. First, the State will be limited in its ability to provide Federal CZMA funding for activities in the broader coastal municipality areas on projects that could protect important coastal resources either directly or indirectly. As a result of less funding for activities that directly or indirectly impacted coastal resources outside the immediate coastal area, coastal resources could be negatively impacted. Second, the State's use of Federal Consistency for federal or license or permit activities or federally funded activities will be more limited in the expanded coastal area. For example, if a non-federal applicant proposed a facility that required a federal authorization in the expanded coastal boundary area that had not been approved by NOAA, and the facility was going to somehow detract from the area's tourism or other economic value, the State might not be able to review the project for consistency with the

State's coastal policies.

b. Federal Funding

Alternative 1. The award formula for allocating CZMA funds among all the coastal states is based on a formula that takes into consideration shoreline mileage and population in a state's Federally-approved coastal area. New Hampshire currently receives the minimum amount, and even the revised boundary would not increase the State's minimum annually-figured allotment. If the proposed NHCP boundary expansion request is approved by OCRM, the NHCP will continue to be eligible for Federal CZMA cooperative agreements. However, the State would be allowed to spend CZMA funds on activities in a larger area of the State, and on activities that may have indirect, but significant impacts on coastal waters. The primary source of funding (Section 306) will continue to provide for increased resource management capabilities (coordination, administration and enforcement of authorities); expanded public awareness of coastal issues and improved public participation in policy development; and research and other activities to gain a better understanding of resource utilization questions and opportunities to deal with special management concerns that otherwise might not be addressed. Section 306A funds can be used for low cost construction projects for preserving important natural areas, provision of public access, redevelopment or urban waterfront areas, and resource management and improvement. The boundary change will allow the CZMA funds to be used for technical and financial assistance to local governments for municipal planning and management throughout the municipalities, as well as to provide for additional public access. Changing the boundary will also provide both direct and indirect funding assistance to the local communities and regional planning commissions for developing master plans which both incorporate and reflect the goals, policies, and issues of the NHCP.

While it is not possible to anticipate how many additional projects may be proposed under the revised coastal boundary, the NHCP has in place a competitive grants process which will ensure that adequate funding will continue to be targeted to New Hampshire's priority coastal issues. The only change will be that the grant applications will apply to a larger land area. The State anticipates a better selection of grant applications from which to choose, along with the ability to fund projects such as freshwater wetlands restoration in areas previously outside the coastal boundary that will protect coastal resources.

With respect to funding for other State agencies, the Department of Environmental Services (DES) is currently the only state agency that receives funds to support its efforts to enforce the goals and policies of the NHCP. Funding will continue to be provided for DES under and amended boundary. Other state agencies, such as the New Hampshire Fish and Game Department and the New Hampshire Department of Resources and Economic Development are networked with the NHCP, and will continue to apply existing laws and regulations in the expanded coastal area. However, expansion of the coastal boundary does not guarantee additional federal funding for the NHCP, and therefore, does not guarantee additional funding to support the efforts and activities of those state agencies networked with the NHCP.

State match is required for Federal CZMA dollars. As has been stated previously, New Hampshire currently receives the minimum amount of Federal funds allowable under the CZMA. Therefore an increase in its boundary could potentially impact the amount of state match required by the State if Congress or NOAA should decide to change the formula for distributing Federal dollars. However, this is less likely to happen than the annual increase in the level of minimum funding that has typically accompanied increased Congressional appropriations for CZMA activities. Alternatively, having a larger boundary could protect New Hampshire's share of CZMA funds should NOAA or Congress decide to revise the formula for distributing CZMA funds in a way that provided less for states with smaller coastlines.

Alternative 2. If OCRM does not approve the NHCP program change request, then the NHCP will continue to be restricted to spending money in its existing, smaller, Federally-approved coastal area. In recent years, although the State has appropriated all of its CZMA funds, the NHCP has experienced increasing difficulty with identifying projects and activities for funding in its limited coastal area. New Hampshire's coastal area is one of the smallest of all federally-approved coastal management program areas. However, states are guaranteed a certain amount of Federal coastal funds, no matter what their size, based on a set formula with a minimum for the states with the shortest coastlines and smallest coastal populations. As that minimum as increased over the years with additional federal dollars available for coastal zone management, New Hampshire's CZMA funding has almost doubled. Between 1998 and 2003, New Hampshire's share of CZMA funds has increased from $729,000 to $1,398,000. Without OCRM's approval of the NHCP program change request, New Hampshire will continue to be restricted from providing funding for important management, implementation, planning, education, and construction activities in areas of municipalities that are adjacent to coastal area and having impacts on coastal resources, but technically outside of the coastal boundary.

c. Regulation

Alternative 1. As stated previously, the NHCP was designed to work through existing regulatory programs, primarily at the state level. No changes in the regulatory jurisdiction are required, and no new permits will be required. The program incorporates coastal policies which apply to state agency programs on resource protection, management of development, and public investments. Therefore, it is not anticipated that there will be any economic impacts associated with the regulatory change of expanding the State's coastal boundary.

Alternative 2. There would be no increased cost due to new regulatory requirements associated with OCRM not approving the State's request to increase the NHCP boundary.

B. Regulatory Impacts

a. Federal Consistency

Alternative 1. Federal consistency is the CZMA (Section 307) requirement that federal actions with reasonable foreseeable effects on any land or water use or natural resource of the coastal zone be consistent with the enforceable policies of a coastal state's federally approved coastal management program. The federal consistency provisions allow the NHCP to review these federal actions for consistency with the State's program. The state must concur that federal activities, federally licensed or permitted activities, and activities undertaken with monies provided through federal assistance to state and local governments are consistent with the management program before the license, permit, or grant can be approved by the federal agency. Once the state concurs that the project is consistent, the federal agency can issue the permit or provide the assistance. Improved communication and coordination of all three levels of government may be achieved by implementing the consistency provisions since it establishes a process for various levels of government and/or permit applicants to interact on projects where there are shared resources of interest. With this process in place, resource use conflicts can either be resolved more quickly and efficiently or avoided altogether because discussions on potential resource conflicts can be identified earlier in the application or project process.

While applying the federal consistency requirement to the entirety of the municipalities may place an additional administrative burden on the state due to increase in geographic coastal area in which federal activities may take place, this new responsibility will enhance the state's ability to manage coastal resources. The NHCP anticipates that there will be a small increase in the number of projects requiring a consistency review, however the NHCP does not believe that this increase will result in a delay in processing consistency decisions. Currently, the majority of projects requiring consistency review are those which involve the nearshore fishery and tidal wetlands. Additionally, approximately one or two road constructions projects per year require a consistency review by the NHCP staff. With the expansion of the coastal boundary, it is estimated that only a minimal increase in the number of projects requiring a review would be those on Federal roadways. These few additional projects would not significantly add to the amount of work responsibilities of the NHCP staff, and therefore there would likely only be a minor delay in processing consistency decisions, but still within review time frames established in the CZMA and NOAA's regulations. Additional outreach may be needed to engineering firms doing business in the new boundary area to familiarize them with the NHCP consistency requirements.

Federal agencies may not be able to issue federal licenses or permits in the new coastal boundary area if the state determines that those activities are not consistent with the state's coastal program, unless the State's decision is successfully appealed to the Department of Commerce and overturned by the Secretary.

Alternative 2. Under the No Action or denial of approval alternative, New Hampshire's use of Federal Consistency would be more limited in the revised coastal boundary area. Coastal resources might experience impacts from federally permitted or federally financed activities that may have been avoided through State consistency review.

b. Laws and Regulations

Alternative 1. Persons proposing activities within the new boundary area will not be subject to any additional state laws or regulations as a result of the boundary change. The boundary change will not alter in any way the jurisdiction of any existing state law, nor will it impose any new state laws in the expanded coastal area. The number of state or local permits that are presently required for the approval of property owners' development and construction projects would remain the same. The NHCP's 16 coastal policies, the state agencies that enforce these policies, and the enforcement abilities of the state agencies will not change as a result of the boundary realignment. The proposed boundary does not expand or reduce the existing list of local, regional, state, and federal uses that are currently subject to state laws and regulations. All lands on the coast that are devoted to recreation and public access will continue to remain available and accessible. The procedure for siting energy facilities will not change. The boundary change will not result in the elimination of any areas of particular concern (APC), or areas of preservation or restoration (APR).

Alternative 2. The impacts to laws and regulations associated with not approving the boundary revision are the same as those of approving the boundary revision, since there are not expected to be any changes to laws and regulations if the boundary revision is approved.

c. State and Federal Agencies Operating in the New Area

Alternative 1. State agency participation in the coastal program is accomplished primarily through implementation of portions of the NHCP, such as: administering program authorities; providing technical assistance, outreach and education; administering restoration or acquisition programs; etc. Expanding the coastal area will not change the administration of any of the networked agency authority. The consistency of state agencies with coastal policy within the new coastal area will not differ from the manner in which the agencies currently operate. All state agencies operating in the 17 coastal municipalities function according to current statewide laws, statutes, and rules. These laws, statutes, and rules will not change as a result of the boundary realignment. Any uncertainty in the present inland boundary would be eliminated upon implementation of the new municipal boundary.

New Hampshire's coastal area excludes lands owned, leased, and held in trust by the Federal Government. The revised inland boundary will increase the number of federally excluded buildings and properties in the NHCP. Activities on excluded land that have reasonable foreseeable effects on uses or resources outside of the excluded land, but within the coastal boundary are subject to Federal Consistency Review. Following approval of the boundary change, the NHCP will exclude the following additional land owned, leased, and held in trust by the Federal Government (See Table 1).

Alternative 2. If NOAA does not approve the State's increased coastal boundary, there

will be no impact to State and Federal Agencies operating in the new area.

C. Resource Impact:

The NHCP was designed to improve the management of the State's coastal resources. The program includes a set of coastal policies applicable to State agency actions in the coastal area that include: 1) steering development away from environmentally sensitive areas such as wetlands and sand dunes; 2) managing coastal development to ensure the proper siting and types of uses with the coastal zone; 3) promoting coastal dependent uses in specific areas with existing infrastructure; 4) protecting and preserving coastal historic and cultural resources; and 5) encouraging continued research that directly benefits coastal resource management. Previously, these policies only applied to resources directly within the coastal area. With the expansion of the State's coastal boundary, the policies will now apply to resources throughout the entire jurisdiction of the 17 municipalities within the coastal area.

Alternative 1. If NOAA approves the NHCP's request to expand its coastal boundary, the NHCP will apply its policies and its core authorities in the expanded coastal area, thereby extending the protection for coastal resources both directly and indirectly. The NHCP will be able to identify and provide federal funding for new public access sites, and designate new APCs. Changing the boundary will automatically designate lands that can be classified within the resource categories of freshwater wetlands, floodplains, and unique natural areas as APCs. Municipalities will be able to designate any ecologically, historically or culturally important area for the purpose of focusing public attention on its significance. Inclusion of the full geographical jurisdiction of the 17 coastal municipalities will add freshwater segments of tidal rivers and surrounding non-tidal wetlands to the area within the new coastal boundary.

Other beneficial environmental impacts which can be expected to occur as a result of expanding the state coastal policies to the entire geographic area of the 17 municipalities include enhancement of current protection of natural resources areas as fish and wildlife habitats and productive ecosystems. There will be an increase in natural flood and erosion buffer areas and minimization of loss of life and property due to coastal floods, storms, and erosion. There should also be an increased protection of water quality and quantity in the coast, maintenance and/or improvement of existing air quality, and concentration of future growth outside of sensitive natural resource areas such as wetlands, when development is not water dependent. However, potentially adverse impacts could result from redirecting the growth that would have been experienced in the coastal area and concentrating it in less environmentally sensitive areas. These areas could experience a permanent reduction in environmental quality, including congestion, a reduction in air quality, increased noise, and a loss of visual quality. These impacts would not be direct result of the change, but rather secondary impacts related to shifting the growth from one area to another. It is assumed that the overall impact would be less, since the affected areas would be less environmentally sensitive, and would be more likely to have the existing infrastructure to handle some of the impacts.

Alternative 2. The environmental impacts associated with Alternative 2 would include

some of the benefits associated with expanding the state coastal policies to the entire geographic area of the 17 municipalities as discussed above under Alternative 1. However, expenditure of federal funds would continue to be restricted to the immediate coastal area, which could result in continued secondary impacts based on a less comprehensive approach to coastal resource management. In addition, federally permitted and federally funded activities may not be reviewed for consistency as readily in as broad of an area of the coastal watershed. In addition, the State will not be able to provide federal funds for new public access projects, and new areas of preservation and protection.

VII. AGENCIES AND PEOPLE CONSULTED

Mike Johnson, National Marine Fisheries Service
Bill Niedermyer, U.S. Fish and Wildlife Service
David Kaiser, Federal Consistency Specialist, NOAA OCRM
Masi Okasaki, Assistant Regional Manager, NOAA OCRM
Mary Elliott Rolle, NOAA General Counsel
David Hartman, Program Manager, NH OSP
Brian Mazerski, NH OSP

VIII. PROPOSED FINDING OF NO SIGNIFICANT IMPACT

NOAA Administrative Order (NAO) 216-6 (revised May 20, 1999) provides eleven criteria for determining the significance of the impacts of a proposed action. These criteria are discussed below with respect to the proposed action (Alternative 1):

1. Impacts may be both beneficial and adverse–a significant effect may exist even if the Federal agency believes that on balance the effect will be beneficial.

Neither the beneficial nor the adverse effects of the proposed action are expected to be significant. The proposed action will result in the improved administration of a number of existing state authorities and programs under the aegis of the NHCP where these authorities and programs already apply, in a broader area of the State's coastal watershed. The State will also continue to receive the minimum amount of Federal CZM funds available to states and territories to use in the 17 coastal towns for CZM-consistent projects, and apply Federal consistency requirements on a slightly broader scale. Federal agency activities that affect any land or water use or natural resource of the coastal zone have had to seek consistency anyway, even activities that were formerly outside the State's proposed coastal boundary. Therefore, there are no significant beneficial or adverse effects associated with the proposed action.

2. What is the proposed degree to which public health or safety is affected by the proposed action?

Public health and safety will not be affected by the proposed action. To the extent that

improved management of New Hampshire's coastal area results in a healthier environment, the public may experience some secondary health benefits from improved resources such as cleaner water for swimming, fewer contaminated shellfish beds, etc.

3. Are there unique characteristics of the geographic area in which the proposed action is to take place?

The geographic area in which the NHCP is proposing to expand their boundary includes Atlantic white cedar swamps. There are 30 documented Atlantic white cedar swamps in New Hampshire which are home to rare insect species. Also, New Hampshire's estuaries and associated uplands play an important migration and overwintering habitat role in the Atlantic flyway.

4. What is the degree to which effects on the human environment are likely to be highly controversial?

It is extremely unlikely that there will be any controversy associated with the effects of this project on the human environment. The effects to the human environment are expected to be primarily positive. The towns whose entire geographic extent will now fall entirely within the NHCP boundary already participate in the NHCP on a more limited scale. Once the State has adopted the revised boundary and OCRM has approved it, the NHCP will be able to provide funds for technical and financial assistance to local governments for municipal planning and management to provide for additional public access, redevelop underutilized waterfronts, and acquisition or restoration of sites through low cost construction projects. All of the towns in the revised coastal areas provided positive or "no objection" letters in support of the proposed action.

5. What is the degree to which effects are highly uncertain or involve unique or unknown risks?

There are no uncertain, unique, or unknown risks associated with the proposed action. OCRM is not proposing any new actions in the State, only the same actions which have been previously approved, in a larger area of the State. None of the activities associated with expansion of the State's coastal boundary involve risk.

6. What is the degree to which the action establishes a precedent for future actions with significant effects or represents a decision in principle about a future consideration?

OCRM approved New Hampshire's ocean and harbor segment in April 1982, and an amendment to the State's Program in 1988 that expanded the State's boundary to include the entire tidal extent of New Hampshire's waters; primarily the Great Bay and its tributaries. Under the CZMA, States have flexibility in defining their inland coastal boundaries, and the regulations

anticipate that States will, in the course of time, make changes to their original coastal boundaries (15 CFR §923.80(d)). Therefore, this action does not set a precedent.

7. Does the proposed action have individually insignificant but cumulatively significant impacts?

The proposed action is expected to have individually insignificant impacts. The cumulative impacts of approving the expanded NHCP are assumed to be improved management of lands and actions that could impact coastal resources; identification of additional areas of particular concern, preservation, or restoration; application of Federal consistency to a larger number of Federal projects; and funding for planning and small restoration and public access projects that previously may not have qualified based on their location in the 17 coastal towns. With respect to management, no new laws or regulations will be imposed, therefore no cumulative impacts are associated with expansion of the NHCP jurisdiction. The towns will have the ability to identify new areas of particular concern, preservation, or restoration, which could cumulatively result in a fewer areas for development or access in the overall coastal area. However, the State has not identified as part of the boundary change any sites for immediate designation, and the coastal municipalities will retain their local planning authority to only designate sites that they wish to have preserved or restored. Therefore, it is unlikely that expansion of the NHCP will result in cumulatively significant impacts on the number of sites in the coastal area set aside for preservation and restoration. Regarding Federal consistency, while the state will be able to apply Federal consistency to more Federal license and permit activities and federal financial acitivities, this is unlikely to result in cumulatively significant impacts since the purpose of applying Federal consistency is to ensure that Federal activities are consistent with State coastal policies, rather than restrict or encourage Federal activities. Finally, using CZMA funds throughout the entire jurisdiction of 17 coastal towns is unlikely to result in cumulatively significant impacts since these funds are limited, and primarily restricted to studies, planning,
and very small access and restoration activities. Quite simply, the State does not receive enough funding to result in cumulatively significant activities, particularly spread out over a much larger coastal area.

8. What is the degree to which the action adversely affects entities listed in or eligible for listing in the National Register of Historic Places, or may cause loss or destruction of significant scientific, cultural, or historic resources?

The proposed action will not adversely affect any entity listed in or eligible for listing in the National Register of Historic Places. Nor will the proposed action cause the loss of or destroy any significant scientific, cultural, or historic resources. As part of the program change submission, the NHCP provided a list of additional historic sites that will now be within the State's expanded coastal boundary. The NHCP will continue to coordinate with the New Hampshire Department of Historic Resources on projects involving sites with historic resources as part of its consistency review process.

9. What is the degree to which endangered or threatened species, or their critical habitat as defined under the Endangered Species Act of 1973, are adversely affected?

The proposed action includes areas that contain both endangered and threatened species and critical habitat. According to the New Hampshire Natural Heritage Inventory (Appendix 3), one Federally listed threatened plant species, Small Whorled Pogonia, and two Federally listed threatened bird species, the Bald Eagle and the Piping Plover are found in some parts of the 17 coastal municipalities considered for inclusion in the NHCP. These areas will continue to be protected as part of the proposed action. There is no weakening of existing laws protecting threatened and endangered species or critical habitat under the NHCP, therefore, the threatened and endangered species or critical habitat will not be adversely affected by approval of its expanded boundary. Potentially, these species could experience beneficial impacts associated with the application of protective resource policies within the expanded coastal jurisdiction.

10. Is a violation of Federal, state, or local law for environmental protection threatened?

The proposed action involves the approval of an expansion to New Hampshire's coastal boundary. As part of this expansion, the State will simply be providing better coordination of its existing laws, funding planning and small construction activities that are consistent with the CZMA, and applying Federal Consistency to Federal actions. None of these activities will result in violation of a Federal, state, or local law.

11. Will the proposed action result in the introduction or spread of a nonindigenous species?

The proposed action does not involve any physical activity that could result in the introduction or spread of a nonindigenous species. Approval of the expanded boundary will not weaken any existing State laws in the coastal area related to regulating nonindigenous species.

IX. PROPOSED FONSI STATEMENT

In view of the analysis presented in this document, the proposed approval of expansion of the New Hampshire Coastal Program boundary to encompass the entirety of the 17 coastal town jurisdictions, will not significantly affect the quality of the human environment, with specific reference to the criteria contained in Section 6.01 of NAO 216-6, Environmental Review procedures for Implementing the National Environmental Policy Act. Accordingly, the preparation of an Environmental Impact Statement for the proposed action is not necessary.

_____ _____

Dr. Richard W. Spinard, Ph.D. Date
Assistant Administrator
for Ocean Services and Coastal Zone Management,
National Oceanic and Atmospheric Administration

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XI. APPENDICES

1. Preliminary Findings of Approvability under the CZMA of the NHCMP
2. NHCMP Policies
3. NH 17 Municipalities Threatened and Endangered Species
4. OSP Proposed Amendment of the Boundary of the NHCP
5. Letter Regarding the Proposed Boundary Change and List of 17 Municipality Recipients
6. Letter Regarding the Proposed Boundary Change and List of 37 State, Federal and Congressional Office Recipients
7. Letter Notifying Agencies and General Public of the Public Hearing on the Proposed Revised Coastal Boundary and List of Recipients
8. Public Notice of the NHCP Coastal Program Amendment–Boundary Change
9. Attendance Roster for the Public Hearing on the Proposed Revised Coastal Boundary
10. Summary of Comments by the Public and Responses to Comments by OSP Staff
11. List of Preparers
12. Distribution List of Agencies, Organizations, etc. receiving EA